

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

New Landing Utility, Inc.	:	
	:	04-0666
Petition for Approval of Agreements	:	
With Affiliated Interests.	:	

MOTION TO COMPEL

NOW COMES the Staff of the Illinois Commerce Commission ("Staff"), through its attorneys, and pursuant to 83 Ill. Adm. Code 200.370 files its Motion To Compel ("Motion") in the above-captioned proceeding.

1. On November 9, 2004, New Landing Utility, Inc. ("Company") filed a petition for approval of agreements with affiliated interests pursuant to Section 7-101 of the Illinois Public Utilities Act ("Act").

2. At a status hearing held on October 20, 2004 in this docket, the Administrative law Judge set a schedule whereby initial Staff data requests were to be served on the Company on December 13, 2004. Further, the Administrative Law Judge ordered that the Company's responses to those data requests be due on January 5, 2005.

3. Staff electronically sent its data requests, namely Staff data requests AD-1 through AD-5 and FD-1 through FD-10, to the Company's counsel on December 13, 2004. Also, Staff faxed the data requests to the Company's president, Gene L. Armstrong, on December 13, 2004.

4. Staff did not receive the Company's responses to Staff's data requests on January 5, 2004.

5. Staff Counsel left a telephone message for Company Counsel on January 5, 2004 inquiring about the Company's data request responses.

6. On January 7, 2005, Staff sent a letter electronically (with a hard copy sent via the U.S. mail) to the Company's Counsel formally requesting that the responses to Staff data requests AD-1 through AD-5 and FD-1 through FD-10 be provided or for the Company to state any objection to the requests by January 10, 2005. See attached Exhibit A.

7. To date we have not received the Company's responses to Staff's data requests, nor have we heard from Company Counsel as to when we can expect them.

8. Staff's analysis of the Company's affiliated agreements will be incomplete if Staff does not receive responses to these data requests.

9. The Company's delay in providing responses to these data requests has prejudiced Staff by limiting its ability to issue follow-up data requests and conducting a thorough analysis of the affiliated agreements.

10. It has been four weeks since the Company received these data requests and almost a week since the date the Company was ordered to respond to Staff's data requests.

11. As required by the Rules of Practice, Staff has consulted with the Company and reasonable attempts to resolve these differences have failed. 83 Ill. Adm. Code 200.350.

WHEREFORE, for the foregoing reasons, the Staff of the Illinois Commerce Commission respectfully requests that the ALJ enter an order compelling New Landing Utility, Inc. to provide responses to Staff Data Requests AD-1 through AD-5 and FD-1 through FD-10 by January 19, 2005 and granting such other and further relief as is deemed equitable and just.

Respectfully submitted,

JANIS E. VON QUALEN
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Staff Attorneys

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Illinois Commerce Commission

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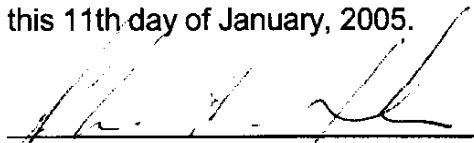
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VERIFICATION

I, Carla Scarsella, being first duly sworn, depose and state that I am an attorney in the Office of General Counsel of the Illinois Commerce Commission; that I have read the foregoing Motion to Compel and know the contents thereof; and that the statements contained in the Motion are true, correct to the best of my knowledge, information and belief.


Carla Scarsella
Illinois Commerce Commission

Subscribed and sworn to before me
this 11th day of January, 2005.



Notary Public



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